From: Mark Nahabedian
To: Microsoft ATR
Date: 1/24/02 11:29am
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing concerning the proposed settlement in the Microsoft antitrust case.

I have been working professionally as a software developer since 1983 and, I feel, am well qualified to distinguish between operating system and application software capabilities. At no time during my working career have I been employed by any of the numerous companies which have fallen victim to Microsoft's anti-competitive practices. I have no reasons to bear Microsoft any enmity other than for the consistent substandard quality of their products or their heavy-handed anti-free-market business practices. Such practices harm us all, not just those in direct competition with Microsoft.

In 1994 Microsoft resolved earlier antitrust allegations by signing a consent decree. It's clear from the court's findings in the antitrust case which Microsoft is now battling that they have not moderated their monopolistic behavior since 1994. It is also clear from the manner of their recent entry into the online messaging market that the current case has also not encouraged them to alter their behavior.

The only possible remedy that will prevent such egregious behavior in the future is to break up the company, thus denying them the means to engage in future monopolistic practices.

Microsoft should be divided into three separate companies, one for the operating system, one for applications, and one for network services. I'll refer to these entities as OS (Operating Systems), AS (Applications Software) and NS (Network Services) respectively. These companies must operate according to the following rules:

> No person can serve in a management position or as a director of more than one such entity at a time. No technical consultant shall be employed by more than one company at a time.
>
> There can be no communication among these entities concerning technical issues surrounding their products unless such communication is made publicly and is available to all companies involved with similar development efforts. For example:
>
> > OS can not add any functionality that is already available from another software vendor except by broad industry

consensus. If such functionality is already provided by another vendor to run under an OS provided operating system, such functionality should be considered to be application software. Applications software mat be developed by AS but not OS.

If AS requires a new feature from OS, it must request it publicly. When OS alters or extends the behavior of the operating system, it must document the changes publicly.

Any protocol which OS or AS software employs to communicate with NS services must be publicly documented at least six months prior to the public distribution of such software by OS or AS.

In addition to the above outlined breakup, Microsoft should pay all fines which have accrued as a result of violation of the previous consent decree.

If the Justice Department lets Microsoft off the hook with anything short of these terms, it is violating its public trust. Any DoJ associates responsible for such compromise are not fit to serve in a government agency.

Do the right thing.

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